

REMARKS

Claims 1-52 are pending with claims 1, 2, 3, and 4 being independent.

Independent claim 1 and dependent claims 5-15 and 19 have been rejected as being unpatentable over Keyser (U.S. Patent No. 6,072,278) in view of O'Brien ("Improved energy transfer in electrophosphorescent devices", Applied Physics Letters, 1999) and further in view of Baldo ("Very high-efficiency green organic light-emitting devices based on electrophosphorescence", Applied Physics Letters, 1999).

Claim 1 recites a light emitting device having, among other elements, a first EL element for emitting red light, a second EL element for emitting green light, and a third EL element for emitting blue light, and further recites that "a triplet compound is used for the first EL element while a singlet compound is used in each of the second and third EL elements." Applicant requests reconsideration and withdrawal of the rejection of claim 1 and its dependent claims because neither Keyser, O'Brien, Baldo, nor any combination of these references describes or suggests the claimed combination of three EL elements.

Keyser describes a structure for creating an active matrix pixel with a hold capacitor having a high capacitance for very small pixel sizes. As the Examiner admits, Keyser does not describe or suggest a structure having the claimed combination of EL elements. Indeed, Keyser describes neither EL elements that emit light of different colors nor the use of both singlet and triplet compounds.

O'Brien and Baldo also fail to describe or suggest the claimed combination of EL elements. O'Brien describes a triplet compound for use in an EL device and Baldo describes a singlet compound for use in an EL device. However, neither describes or suggests using both a triplet compound and a singlet compound in a single device, nor doing so in the recited combination of three EL elements that emit light of different colors.

The Examiner states that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilize the triplet PtOEP electrophosphorescence material of O'Brien and the singlet Ir(ppy)<sub>3</sub> electrophosphorescence material of Baldo for the electroluminescent structure of Keyser in order to provide an electroluminescent display having a

plurality of high-performance pixels with significantly enhanced bright color and contrast and further uniform the light intensity from each pixels.” However, nothing in the cited references indicated the benefits of this result or would have provided motivation for making the proposed combination. Instead, the rejection merely recites the advantages of the instant invention gleaned from the applicant’s disclosure. This is clearly at odds with the law and precedent of the Court of Appeals for the Federal Circuit. “It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to ‘[use] that which the inventor taught against its teacher.’” In re Sang-Su Lee, 277 F.3d 1338, 1344 (Fed. Cir. 2002) (quoting W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983)).

For at least these reasons, no proper combination of Keyser, O’Brian and Baldo describes or suggests the claimed combination of EL elements, and, accordingly, applicant requests withdrawal of the rejection of claim 1 and the claims that depend from it.

Independent claims 2-4 and dependent claims 16-18 and 20-52 have been rejected as being unpatentable over Keyser in view of Hseuh (U.S. Patent No. 5,932,892), O’Brien, and Baldo.

Claims 2-4 recite light emitting devices having the same combination of EL elements as is recited in claim 1. Hseuh does not remedy the failure of Keyser, O’Brien, and Baldo to describe or suggest this combination. Accordingly, applicant requests reconsideration and withdrawal of the rejection of claims 2-4 and their dependent claims for the reasons described above.

Applicant submits that all claims are in condition for allowance.

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Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

7/31/03

  
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